

1 Rick Augustini, California Bar No. 160934
2 LAW OFFICE OF RICK AUGUSTINI
3 19900 MacArthur Boulevard, Suite 850
4 Irvine, CA 92612
Phone: (949) 553-5093
Facsimile: (949) 756-0514
raugustini@earthlink.net

This Space for Clerk's Use Only

5 Attorneys for Defendant
6 RANDY S. FUSS
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 THE HOUSEHOLDER GROUP LLLP,
11 an Arizona Limited Liability Limited,

Case No. 3:07-cv-00573-SI

12 Plaintiff,

STIPULATION AND [PROPOSED]
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE

13 v.

14 RANDY S. FUSS, an individual,

15 Defendant.

17 Plaintiff THE HOUSEHOLDER GROUP LLLP ("Plaintiff") and Defendant
18 RANDY FUSS ("Defendant") hereby stipulate and agree as follows, by and through
19 their attorneys of record:

20 WHEREAS, the Court recently continued the initial case management conference
21 to 2:00 p.m. on either June 28 or 29, 2007 on a sua sponte basis;¹

22 WHEREAS, counsel for Defendant is going to be out of the country on a family
23 vacation from June 26, 2007 to July 4, 2007;

24 WHEREAS, the clerk has advised counsel for Defendant that the Court is
25 presently available to conduct the initial case management conference on Friday, July
26 13, 2007 and that the Court would consider a continuance if the parties submitted a
27 stipulation and proposed order; and

28 ¹The entry on Pacer says June 29, 2007, but the notice from the Court dated April 10, 2007 says Friday, June 28, 2007 (even though June 28, 2007 is a Thursday). The parties therefore respectfully request guidance from the Court regarding the correct date in any event.

1 WHEREAS, counsel for Plaintiff is willing to continue the initial case
2 management conference to Friday, July 13, 2007 based on counsel for Defendant's
3 assurance that he will extend the same courtesy if the need arises in the future.

4 BASED ON THE FOREGOING, Plaintiff and Defendant hereby stipulate and
5 agree to continue the initial case management conference to 2:00 p.m. on July 13, 2007,
6 or such other time as the Court directs.

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8 DATED: May 9, 2007

SCHANZ ACROMITE LLP

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12 William J. Acromite
13 Attorneys for Plaintiff
THE HOUSEHOLDER GROUP LLLP

14 DATED: May 9, 2007

LAW OFFICE OF RICK AUGUSTINI

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17 Rick Augustini
18 Attorneys for Defendant
19 RANDY S. FUSS

20 Having considered the stipulation and agreement of counsel, and good cause
21 appearing therefor, the initial case management conference is hereby ordered continued
22 to 2 p.m. a.m./p.m. on July 13, 2007.

23 Dated:

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25 Hon. Susan Illston
26 Judge of the United States District Court
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PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is Newport Gateway -- Tower 2, 19900 MacArthur Boulevard, Suite 850, Irvine, CA 92612.

On May 9, 2007, I served the foregoing document(s) on all interested parties in this action, pursuant to the Service List: **STIPULATION AND [PROPOSED] ORDER CONTINUING INITIAL CASE MANAGEMENT CONFERENCE**

ELECTRONIC TRANSMISSION: Based on court order -or- agreement of the parties, I caused the foregoing documents to be served electronically to the parties' email address(es) of record as listed on the Service List.

FACSIMILE TRANSMISSION: Based on court order -or- agreement of the parties, I caused the foregoing documents to be served by transmitting via facsimile machine to the parties' facsimile number(s) listed on the Service List. The facsimile machine I used complied with *Federal Rule of Civil Procedure 4*, and the transmission was reported as complete, without error by a transmission report issued by the transmitting facsimile machine immediately upon completion of transmittal.

BY PLACING the original a true copy thereof enclosed in sealed envelope(s) to the parties listed on the Service List and transmitting via:

U.S. MAIL: I caused such envelope(s) to be delivered by first-class mail. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

OVERNIGHT COURIER: I caused such envelope(s) to be delivered by overnight delivery by close of business of the next business day. I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight courier. It is deposited with the overnight courier or at a location authorized to receive parcels on behalf of the overnight carrier on the same day, fully prepaid at Irvine, California in the ordinary course of business.

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on May 9, 2007, Irvine, California.

~~Rick Augustini~~

1 SERVICE LIST
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3 William J. Acromite, Esq.
4 SCHANZ ACROMITE LLP
5 31461 Rancho Viejo Road, Suite 201
6 San Juan Capistrano, CA 92675
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Attorneys for Plaintiff The
Householder Group LLLP